

HOUSE No. 2662

By Ms. Callahan of Sutton, petition of Jennifer M. Callahan relative to safe patient handling in certain health facilities. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATING TO SAFE PATIENT HANDLING IN CERTAIN HEALTH FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by adding
2 the following section:—

3 Section _____. (a) As used in this section, the following words,
4 shall, unless the context clearly requires otherwise, have the
5 following meanings:—

6 “Acute-care hospital”, any hospital licensed pursuant to sec-
7 tions 51 and 52 of chapter 111 of the general laws, the teaching
8 hospital of the university of massachusetts medical school, which
9 contains a majority of medical-surgical, pediatric, obstetric, and
10 maternity beds, as defined by the department.

11 “Department”, the department of public health.

12 “Health care facility”, any acute care hospital as defined in
13 section (a), any licensed private, public or state-owned and oper-
14 ated general acute care rehabilitation hospital or unit, any licensed
15 private, public or state-owned and operated general acute care
16 psychiatric hospital or unit, any nursing home as defined in
17 section 71 of chapter 111 of the general laws, and any long-term
18 care facility as defined in section 71 of chapter 111 of the general
19 laws.

20 “Hospital”, any institution, however named, whether conducted
21 for charity or for profit, which is advertised, announced, estab-
22 lished or maintained for the purpose of caring for persons

23 admitted thereto for diagnosis, medical, surgical or restorative
24 treatment which is rendered within said institution.

25 “Lift team”, health care facility employees specially trained to
26 handle patient lifts and transfers. Lift team members are not pre-
27 cluded from performing other duties as assigned during their shift.

28 “Lifting and transferring process”, a system whereby patients
29 and situations are identified based on the potential risk of injury to
30 the patient and/or health care worker in the event the worker
31 would need to lift, transfer or move that patient.

32 “Long-term care facility”, any institution, however named,
33 whether conducted for charity or profit, which is advertised,
34 announced or maintained for the express or implied purpose of
35 caring for four or more persons admitted thereto for the purpose
36 of nursing or convalescent care, as defined in section 71 of
37 chapter 111 of the General Laws.

38 “Needs assessment”, an evaluation of lift and transfer needs,
39 resources and capabilities with recommendations on procedures to
40 be followed and resources available to lift or transfer patients
41 safely.

42 “Nursing home”, any institution, however named, whether con-
43 ducted for charity or profit, which is advertised, announced or
44 maintained for the express or implied purpose of caring for four or
45 more persons admitted thereto for the purpose of nursing or con-
46 valescent care, as defined in section 71 of chapter 111 of the
47 General Laws.

48 “Patient”, an individual who receives health services from an
49 individual employed by a hospital, health care facility, or long-
50 term care facility.

51 “Resident”, an individual who resides in a long-term care
52 facility licensed under section 71 of chapter 111 of the General
53 Laws.

54 “Safe patient handling policy”, the replacement of manual
55 lifting and transferring of patients with powered patient transfer
56 devices, lifting devices, or lift teams, consistent with the needs
57 assessment.

58 (b) Each health care facility, as defined in paragraph (a), shall
59 develop and implement a health care worker back injury preven-
60 tion plan so that manual lifting of patients be minimized in all
61 cases and eliminated when feasible. As part of their plan, each

62 health care facility shall conduct a needs assessment in relation to
63 patient lifts and transfers. As part of the needs assessment, each
64 health care facility subject to this section shall develop a lifting
65 and transferring process that identifies the patients and situations
66 that require the appropriate use of lift teams and or lifting devices
67 and equipment. The health care facility shall develop a process
68 for systematically addressing ergonomics in their facilities and
69 incorporate this process into an overall program to recognize
70 occupational health and safety hazards and prevent injuries.

71 (c) All health care facilities as defined in subdivision (a) shall
72 implement a “safe patient handling policy” for all shifts for
73 patients and situations identified pursuant to subdivision (b) by
74 requiring lift teams and or the use of lifting devices and equip-
75 ment. Each health care facility subject to this section shall, as
76 appropriate and consistent with the needs assessment developed
77 pursuant to subdivision (c), utilize lift teams and lifting devices
78 and equipment. Each health care facility subject to this section
79 shall provide ongoing training to health care workers on the
80 appropriate use of the lifting devices and equipment. Ongoing
81 training for these health care workers shall include body
82 mechanics and the use of lifting devices to safely handle patients.

83 (d) Health care workers and lift team members shall be given
84 specialized training and shall demonstrate proficiency in safe
85 techniques for lifting or transferring patients and the appropriate
86 use of lifting or transferring devices and equipment. Lift teams
87 shall utilize lifting devices and equipment when assisting health
88 care workers throughout the health care facility to lift patients
89 unless specifically contra-indicated for a patient’s condition or
90 medical status.

91 (e) A health care worker who refuses to lift a patient due to
92 concerns about worker and patient safety and the lack of trained
93 lift team personnel or equipment may not, based upon the refusal,
94 be the subject of disciplinary action by the hospital or any of its
95 managers or employees.